

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHELTON BEAMAN,

Plaintiff,

-against-

HUMAN RESOURCES ADMINISTRATION
("HRA"); ABDUL BAMBAA; TERESA
DUARTE,

Defendants.

24-CV-10071 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, proceeding *pro se*, submitted a proposed order to show cause for a preliminary injunction and temporary restraining order, which the Clerk of Court opened as a new civil action under this docket number. Plaintiff has not filed a complaint.¹ As set forth below, the Court (1) denies Plaintiff's request for preliminary injunctive relief; (2) directs Plaintiff to file a complaint; and (3) directs Plaintiff to either provide an address where he may receive documents in this case or consent to electronic service.

DISCUSSION

A. Preliminary injunctive relief

Plaintiff filed request for a preliminary injunction and temporary injunctive relief. (ECF 1.) To obtain such relief, Plaintiff must show: (1) that he is likely to suffer irreparable harm and (2) either (a) a likelihood of success on the merits of his case or (b) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in his favor. *See UBS Fin. Servs., Inc. v. W.V. Univ. Hosps., Inc.*, 660 F.3d 643, 648 (2d

¹ By order dated January 7, 2025, the Court granted Plaintiff's application to proceed *in forma pauperis*.

Cir. 2011) (citation and internal quotation marks omitted); *Wright v. Giuliani*, 230 F.3d 543, 547 (2000). Preliminary injunctive relief “is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.” *Moore v. Consol. Edison Co. of N.Y., Inc.*, 409 F.3d 506, 510 (2d Cir. 2005) (internal quotation marks and citation omitted).

In his motion, Plaintiff requests an order preventing Defendants from discontinuing or denying his public assistance benefits. Plaintiff’s two-page form motion includes no factual allegations suggesting that Defendants have violated his rights. In fact, it includes no factual allegations at all. Plaintiff’s submission therefore does not demonstrate: (1) a likelihood of success on the merits, or (2) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in his favor. Accordingly, Plaintiff’s request for an order to show cause (ECF 1) is denied.

B. Complaint

Rule 3 of the Federal Rules of Civil Procedure states that “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. While Plaintiff has filed a proposed order to show cause with respect to preliminary injunctive relief, he has not filed a complaint. The Court therefore directs Plaintiff to file a complaint in this action within 30 days of the date of this order. If Plaintiff does not file a complaint within the time prescribed, the Court will dismiss this action.

C. Address

Plaintiff did not provide his mailing address or consent to accept electronic service of documents in this case.² The Court directs Plaintiff, within 30 days of the date of this order, to

² Although Plaintiff did not consent to receive electronic service of court documents, he did include an email address on his application to proceed *in forma pauperis*. To help ensure that

provide his mailing address for service of documents or submit a consent form to accept electronic service. A consent to electronic service form is attached to this order.

CONCLUSION

The Court denies Plaintiff's request for an order to show cause. (ECF 1.)

The Court directs Plaintiff, within 30 days of the date of this order, to: (1) file a complaint in this action; and (2) provide the court with his mailing address or consent to receive electronic service of court documents.

No summons shall issue at this time. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Clerk of Court is directed to email a copy of this order to Plaintiff at the email address on file and to provide a copy of this order and the attachment to Plaintiff should be appear at the court's Pro Se Intake window.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 8, 2025
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

Plaintiff receives this order, the Court will direct the Clerk of Court to email a copy of this order to Plaintiff at that email address.

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Please list all your pending and terminated cases to which you would like this consent to apply. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Name (Last, First, MI)

Address

City

State

Zip Code

Telephone Number

E-mail Address

Date

Signature

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